

Appendix 6

Response to Comments

**Amendment to the *Water Quality Control Plan for the San Diego Basin (9)*
to add unnamed or unidentified waterbodies to the beneficial use
tables and make water quality objective table corrections**

California Regional Water Quality Control Board, San Diego Region

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LIST OF PERSONS SUBMITTING COMMENTS

- City of San Diego
- Metropolitan Water District of Southern California
- United States Environmental Protection Agency

1. INTRODUCTION

This report provides responses to public comments timely received on the draft Technical Report dated August 29, 2005 entitled, ‘*Amendment to the Water Quality Control Plan for the San Diego Basin (9)* to add unnamed or unidentified waterbodies to the beneficial use tables and make water quality objective table corrections (Basin Plan Issue No. 3).’ The draft documents were made available to the public for formal review and comment on August 29, 2005, through the website of the California Regional Water Quality Control Board (San Diego Water Board) and at the San Diego Water Board office. The public comment period closed on October 12, 2005, and consisted of a 45-day comment period.

The San Diego Water Board received fourteen comments on the draft Technical Report in letters, emails, and orally from the City of San Diego, the Metropolitan Water District of Southern California, and the U.S. Environmental Protection Agency (USEPA). The letters were not reproduced in this document. Individual comments were excerpted from email, letters, and oral comments, and organized by agency. The comments are numbered sequentially in this report.

The written responses to comments are in section 2 below. This section also documents changes made to the draft Technical Report and Tentative Resolution as a result of internal San Diego Water Board review of the draft documents. Changes and additional information added to the Technical Report and Tentative Resolution (Appendix 1) are summarized in section 3.

2. RESPONSE TO COMMENTS

Comments were received from three interested parties: The City of San Diego, the Metropolitan Water District of Southern California, and the United States Environmental Protection Agency (USEPA). The comments are shown below and responses are provided as appropriate.

2.1. Comments from the City of San Diego

The City of San Diego two comments at the September 2, 2005 public workshop. The comments are as follows:

Comment No. 1: Is ‘Famosa Slough and Channel’ a new addition to the Basin Plan?

Response: ‘Famosa Slough and Channel’ is a new addition to Table 2-3, Beneficial Uses of Coastal Waters. Table 2-3 was clarified to show ‘Famosa Slough and Channel (HSA 7.11)’ as a distinct waterbody tributary to the ‘Mouth of the San Diego River’ (HSA 7.11). This will improve the ease with which interested persons will be able to determine the beneficial uses for this coastal water body in the Basin Plan.

Comment No. 2: Is the San Diego Water Board changing the beneficial uses for Famosa Slough and Channel?

Response: No, ‘Famosa Slough and Channel (HSA 7.11)’ is designated with the same beneficial uses as the ‘Mouth of the San Diego River (HSA 7.11)’ to which it is tributary. These beneficial uses are REC-1, REC-2, COMM, EST, WILD, RARE, MAR, MIGR, SPWN, and SHELL.

2.2. Comments from the Metropolitan Water District of Southern California

The Metropolitan Water District of Southern California (MWD) provided three comments concerning the Basin Plan amendment documents. The comments are as follows:

Comment No. 3: Will Diamond Valley Lake be placed within one hydrologic subarea (HSA)?

Response: The Basin Plan amendment does not revise the HSA, hydrologic area (HA), or regional boundaries, therefore Diamond Valley Lake currently lies within two HSAs. In a future Basin Plan amendment, (Basin Plan Issue no. 4, Basin Plan map), the San Diego Water Board and the California Regional Water Quality Control Board, Santa Ana Region (8) (Santa Ana Water Board) will consider revising their shared regional boundary. Also at that time, the San Diego Water Board will consider revising the HA and HSA boundaries to place Diamond Valley Lake within one HSA. The San Diego Water Board and Santa Ana Water Board are currently in the process of planning revisions to the regional boundaries.

Comment No. 4: MWD originally indicated that the beneficial uses for Diamond Valley Lake in Basin Plan Table 2-4, included Agricultural Supply (AGR), Industrial Process Supply (PROC), and Ground Water Recharge (GWR). However, these beneficial uses do not appear on the draft documents, in Attachment A to Resolution R9-2005-0239 that will be presented at the public workshop and hearing. What are the beneficial uses for Diamond Valley Lake based on?

Response: The beneficial uses for Diamond Valley Lake are based upon the beneficial use recommendations of MWD for Diamond Valley Lake. The omission of AGR, PROC, and GWR beneficial uses for Diamond Valley Lake in the draft documents was inadvertent. The AGR, PROC and GWR beneficial uses for Diamond Valley Lake were added to the final documents.

Comment No. 5: The situation may arise where the MWD needs to import water into Diamond Valley Lake that exceeds the water quality objective for total dissolved solids (TDS) of 750 parts per million (ppm). This may arise if more water is imported from the Colorado River rather than other sources. In light of this possibility, is 750 ppm the appropriate water quality objective for TDS within Diamond Valley Lake?

Response: The TDS water quality objective of 750 ppm does not apply to water imported into Diamond Valley Lake. The TDS water quality objective does apply to any natural inflow to the reservoir from tributaries in the hydrologic subareas in which the reservoir is located. Although the MWD is required to release some stored water to downstream tributaries as a mitigation measure for the reservoir, such a release is not a discharge of waste subject to regulation by the San Diego Water Board.

2.3. Comments from the United States Environmental Protection Agency

The USEPA provided five comments concerning the Basin Plan amendment documents. The comments are as follows:

Comment No. 6: Thank you for the opportunity to submit comments on the proposed amendment to the Water Quality Control Plan for the San Diego basin to add unnamed or unidentified waterbodies to the beneficial use tables and make water quality objective table corrections. The USEPA supports the San Diego Water Board's effort to update the Basin Plan

and provide appropriate beneficial use designations for previously unnamed waterbodies. However, USEPA has several comments and suggestions regarding this amendment.

Response: Comment noted.

Comment No. 7: The draft Technical Report states that this amendment is non-controversial because the beneficial use designations have been made based on existing policies, and the new designations do not have any practical impact on the regulation of discharges at this time. While this may indeed be true, the beneficial use designations for the 13 unnamed stream segments and the two newly-constructed reservoirs, as well as the provisions that list waters contained in certain State Water Quality Protection Areas (SWQPAs) under the preservation of biological habitats of special significance (BIOL) beneficial use, are water quality standards actions, and as such must be submitted to USEPA for approval. USEPA recommends that the Technical Report be amended at pages 2 and 25, as the statement "...the amendment does not change any water quality standards..." is incorrect.

Response: The Technical Report has been revised as suggested. See Technical Report, executive summary, last paragraph, page 2; and section 3, entitled, 'Environmental Review,' paragraph 3, page 27.

Comment No. 8: Page 12 of the draft Technical Report discusses the tributary rule as one of the principles for designation of beneficial uses for the 15 waterbodies addressed in this amendment. The tributary rule is a principle commonly used in state water quality standards. However, the tributary rule was not developed by USEPA and USEPA does not require a "tributary rule" to be implemented by the states. The draft Technical Report correctly identifies the basis for the use of this principle, which is San Diego Water Board's Basin Plan. USEPA recommends that the Technical Report be edited to take out the words "of the USEPA" on the first bullet, and to take out the statement "the tributary rule was established by USEPA."

Response: The Technical Report has been revised as suggested. See Technical Report, section entitled, 'Principles for Designation of Beneficial Uses for the Stream Segments and Reservoirs added to Tables 2-2 and 2-4,' paragraph 1, page 12; and 'Tributary Rule,' paragraph 1, page 12.

Comment No. 9: The Basin Plan amendment regarding Areas of Special Biological Significance (ASBS) retains the language that discharges should be phased out, but adds "or limited by the imposition of special conditions in accordance with the Porter-Cologne Water Quality Control Act and implementing regulations..." This appears to be a substantive change, and USEPA recommends the San Diego Water Board check to ensure this change is consistent with State law and with the amendments to the California Ocean Plan recently adopted by the State Water Quality Resources Control Board.

Response: This Basin Plan amendment has been revised to be consistent with language in the Public Resources Code (PRC), section 36710, and the amendments to the California Ocean Plan. The PRC section 36710 was amended, effective January 1, 2005 as follows:

"In a state water quality protection area, waste discharges shall be prohibited or limited by the imposition of special conditions in accordance with the Porter-Cologne Water Quality Control Act (Division 7 (commencing with section 13000 of the Water Code) and implementing regulations, including, but not limited to, the California Ocean Plan adopted and reviewed pursuant to Article 4 (commencing with section 13160) of

Chapter 3 of Division 7 of the Water Code and the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries of California (California Thermal Plan) adopted by the state board. No other use is restricted.”

The PRC section 36710 language replaced the prior wording stating that point sources into ASBS must be prohibited or limited by special conditions and that nonpoint sources must be controlled to the extent practicable. In other words, the absolute discharge prohibition in the California Ocean Plan stands, unless of course an exception is granted.

The Basin Plan amendment has been revised to make the section on the ASBS/SWQPAs consistent with PRC section 36710, per the USEPA recommendation. See Attachment A to Resolution No. R9-2005-0239, Chapter 5 – Plans and Policies, Areas of Special Biological Significance, section entitled ‘*Areas of Special Biological Significance (Resolution No. 74-28)*,’ last paragraph, page 26.

Comment No. 10: The portions of this amendment subject to USEPA approval may also be subject to a consultation between USEPA and the United States Fish and Wildlife Service. We understand that the San Diego Water Board coordinated with California Department of Fish and Game on issues related to listed species during the beneficial uses designation, and we do not anticipate that any major issues will be raised.

Response: Comment noted.

3. OTHER REVISIONS

In the course of updating the Basin Plan amendment documents in response to the public comments, the San Diego Water Board discovered some errors in and inadvertent omissions from the documents. This section describes revisions to the draft Technical Report and Tentative Resolution resulting from the San Diego Water Board’s internal review of the documents.

List of Acronyms and Abbreviations: Two new acronyms were added to the list.

Discussion of Chapter 2 revisions:

Waterbody segments designated with BIOL beneficial uses. The BIOL beneficial use was added to each waterbody segment listed in Table 2-2 located within an ecological reserve and/or the wildlife area.

Revisions in Tables 2-2, Beneficial Uses of Inland Surface Waters and Table 2-3, Beneficial Uses of Coastal Waters. Typographic errors were discovered and corrected in two waterbody names in Table 2-2; and one waterbody name and one HSA in Table 2-3. Also, Famosa Slough and Channel (HSA 7.11) was added as a separate waterbody in Table 2-3.

Discussion of Chapter 3 revisions: Revisions to Chapter 3, section entitled, ‘Water Quality Objective for Radionuclides,’ and the deletion of Table 3-7 were included in the Basin Plan amendment language and summarized in Appendix 5. However, the discussion of these changes in the Technical Report was inadvertently omitted. The Technical Report was revised to include this discussion. In addition, with the deletion of Tables 3-5 and 3-7, the Basin Plan amendment

proposes to renumber Tables 3-6, to Table 3-5; and Table 3-8 to Table 3-6. Text and Table of contents references in the Basin Plan will be revised to reflect the new table numbering.

Discussion of Chapter 5 revisions: Revisions to Chapter 5 were included in the Basin Plan amendment language and summarized in Appendix 5. However, the discussion of these changes in the Technical Report was inadvertently omitted. The Technical Report was revised to include this discussion.

Discussion of revisions to Appendix 2, Maps: A new section was added entitled, ‘Waterbody Segments in Ecological Reserves and a Wildlife Area designated BIOL’ [on pages 29 thru 53 of the Appendix 2 of the Technical Report] which replaces the overview map of the ecological reserves [on page 13 of Draft Technical Report]. The new section contains maps of each ecological reserve and the wildlife area, showing the names of each ecological reserve or wildlife area, and the names of the Table 2-2 waterbody segments flowing through each ecological reserve or wildlife area. Also, Appendix 2 was updated to include a table of contents, cover and section pages, and headers and footers. Finally, the Appendix 2 was repaginated.

Discussion of revisions to Appendix 5, Summary of Proposed Revisions: Changes were made to several of the revisions in Appendix 5, including revision no. 10, 12, 29, 30a, 30b, 30c, 31, 32, and 33. These changes are depicted as blue line or strikeout in Appendix 5.

4. SUMMARY OF CHANGES

Changes and additional information added to the Technical Report, including appendices, as a result of comments received and internal review are summarized in the table below.

Table 4-1. Summary of Revisions to the Basin Plan Amendment Documents

Page number(s)	Revision made	Reason for revision
Technical Report		
Page vi	List of Acronyms and Abbreviations, added two acronyms.	Internal review, to clarify definitions for these terms.
Page 1	Executive Summary, paragraph 3, sentence 5.	Internal review, to clarify waterbody segments designated BIOL within Table 2-2.
Page 1	Executive Summary, paragraph 3, sentence 6.	City of San Diego comment no.1; MWD comment no.8; and internal review correcting typographic errors in spelling of two ground water names.
Page 2	Executive Summary, last paragraph, sentence 3 and 4.	USEPA comment no.11.

Page number(s)	Revision made	Reason for revision
Page 12	Principles for Designation of Beneficial Uses for the Stream Segments and Reservoirs added to Tables 2-2 and 2-4, paragraph 1, sentence 1.	USEPA comment no.12.
Page 12	Tributary Rule, paragraph 1, sentence 3 and six.	USEPA comment no.12.
Page 13	Beneficial Use Designations Based Upon ' <i>Comprehensive Water Quality Control Plan Report, San Diego Basin (9)</i> ' adopted in 1975, paragraph 3.	Internal review, removed redundant information.
Page 18	Correct Spelling of Waterbody Names, paragraph 1, sentence 1.	Internal review, to correct typographic errors in spelling of waterbody names.
Page 18	Table 2-3, Beneficial Uses of Coastal Waters. Entire section replaced.	City of San Diego comment no. 1; and internal review.
Pages 19-22	Table 3, Proposed beneficial uses for Diamond Valley Lake and Olivenhain Reservoir replaced with new table. New table adds AGR, PROC, and GWR beneficial uses to Diamond Valley Lake.	MWD comment no. 8.
Page 22.	Table 2-5, Beneficial Uses of Ground Water, paragraph 1, sentence 3.	Internal review, to correct spelling of ground water names.
Page 25.	<i>Water Quality Objective for Radionuclides and Table 3-7, Maximum contaminant levels for radioactivity specified in table 4 of section 64443 of Title 22 of the California Code of Regulations as amended January 3, 1995</i> , paragraph 1.	Internal review, inadvertently left out discussion of these revisions in this section of the Technical Report. Adding this text will make the section consistent with the Executive Summary, and Appendix 1, Attachment A to Resolution No. R9-2005-0239.
Page 25.	<i>Table renumbering and Table reference revisions</i> , paragraph 1.	Internal review, Basin Plan needs new numbering due to deletion of Table 3-5 and 3-7.
Page 25-26.	2.4 Chapter 5, Plans and Policies. Entire section replaced.	Internal review, inadvertently left out discussion of Chapter 5 revisions in this section of the Technical Report. Adding this text will make section consistent with the Executive Summary, and Appendix 1, Attachment A to Resolution No. R9-2005-0239.

Page number(s)	Revision made	Reason for revision
Page 27	3. Environmental Review, paragraph 3, sentence 4 and 5.	USEPA comment no.11.
Page 28	Footnote 8, sentence 1.	Internal review, correct typographic error.
Page 29	5. References, paragraph 6.	Internal review, to add reference used to map waterbody segments within BIOL.
Appendix 1. Tentative Resolution No. R9-2005-0239 and Attachment A, Basin Plan Amendment		
Pages 5 thru 14	Table 2-2, Beneficial Uses of Inland Surface Waters, pages 2-12 thru 2-46.	Internal review. To clarify Basin Plan, Table 2-2, waterbody segments where BIOL is newly designated.
Page 15	Table 2-3, Beneficial Uses of Coastal Waters, page 2-47.	City of San Diego comment no. 1; ‘Famosa Slough and Channel’ identified as a distinct coastal waterbody to clarify beneficial uses for the waterbody.
Page 15	Table 2-3, Beneficial Uses of Coastal Waters, page 2-47.	Internal review, to correct HSA number for San Elijo Lagoon; to clarify where BIOL is newly designated; and to correct spelling of Agua Hedionda Lagoon.
Page 16	Table 2-4, Beneficial Uses of Reservoirs and Lakes, page 2-49.	MWD comment no.8; the beneficial uses of AGR, PROC, and GWR were inadvertently omitted, and are added to beneficial uses of Diamond Valley Lake.
Page 17	Table 2-5, Beneficial Uses of Ground Waters, paragraph 1.	Internal review, to correct spelling of ground waters.
Appendix 2. Maps		
Appendix 2.	Appendix 2 – Maps. Replaced overview map for the Ecological Reserves, and Hollenbeck Canyon Wildlife Area with individual maps for each area, and repaginated Appendix 2.	Internal review, to clarify the waterbody segments which flow through each ecological reserve and the wildlife area.
I through IV	Appendix 2 – Maps, Table of Contents.	Internal review, to add a table of contents to Appendix 2.

Page number(s)	Revision made	Reason for revision
Pages 1 thru 8	Appendix 2 – Maps, Waterbody Segment Names in Table 2-2.	Internal review, to add a title page for this section.
Pages 9 thru 14	Appendix 2 – Maps, Preservation of Habitats of Special Biological Significance.	Internal review, to add a title page for this section.
Pages 15 thru 27	Appendix 2 – Maps, Maps Showing Marine Protected Areas.	Internal review, to add a title page for this section.
Pages 28 thru 53	Appendix 2 – Maps, Waterbody Segments within Ecological Reserves and a Wildlife Area designated BIOL.	Internal review, to add a title page for this section; and to add individual maps for each ecological reserve and the wildlife to clarify the waterbody segments which flow through each ecological reserve and the wildlife area.
Appendix 5. Summary of Proposed Revisions		
Page 1	Revision 10 and 12.	Internal review of Table 2-2, to add BIOL to all waterbody segments within BIOL areas.
Page 2	Revision 29.	Internal review of Table 2-2, to correct spelling errors.
Page 2	Revision 30a.	City of San Diego comment no. 1.
Page 2	Revision 30b.	Internal review, to correct spelling.
Page 2	Revision 30c.	Internal review, to correct typographic error.
Pages 2 and 3	Revision 31 and 32.	MWD comment no 8.
Page 3	Revision 33.	Internal review, to correct spelling of Agua Hedionda.
Page 3	Revision 34a.	Internal review, identify revision as 34a, instead of 34.
Page 3	Revision 34b.	Internal review, to delete obsolete paragraph on water quality objectives for radionuclides.